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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 29th June, 2026 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2026.

(First published, after having received the assent of the President, in the “*Gujarat Government Gazette*”, on the 13th July, 2026).

AN ACT

further to amend the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.

It is hereby enacted in the Seventy-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2026.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

**Amendment of
section 2 of
Guj. 12 of
1991.**

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 (hereinafter referred to as “the principal Act”), in section 2, -

- (i) after clause (b), the following clauses shall be inserted, namely:-

“(bb) “Monitoring and Advisory Committee” means the Committee constituted under section 16A;

(bbb) “person aggrieved” means the applicant who is a party to transfer of immovable property under sub-section (3) of section 5 and shall include a person residing in the specified area declared as such by the State Government under sub-section (1) of section 3;”;

- (ii) clause (d) shall be deleted.

**Amendment of
section 3 of
Guj. 12 of 1991.**

3. In the principal Act, in section 3, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Having regard to the advice tendered by the Monitoring and Advisory Committee under section 16A, where the State Government is of opinion that, -

- (i) the public order in any area of the State was disturbed for a substantial period by reason of riot or violence of mob; or

- (ii) an area of the State has become or is likely to become prone to disturbance of public order due to communal tension between the communities residing in the area, which may result in involuntary displacement of the persons residing in such area,

it may, by notification in the *Official Gazette*,

- (a) declare such area to be a specified area;

- (b) specify the substantial period (hereinafter referred to as “the specified period”).

Explanation. - In this section the word “riot” shall have the same meaning as in sub-section (1) of section 191 of the Bharatiya Nyaya Sanhita, 2023.”.

45 of 2023.

**Amendment of
section 5 of
Guj. 12 of 1991.**

4. In the principal Act, in section 5, in sub-section (3), for clause (b), the following clause shall be substituted, namely: -

“(b) On receipt of such application, the Collector shall hold a formal inquiry in the manner provided by the Gujarat Land Revenue Code, 1879, and after giving an opportunity to the persons aggrieved to be heard and after considering any evidence produced, decide whether: -

Bom. V of 1879.

- (i) the immovable property is sought to be transferred in terms of clause (e) of section 2;
- (ii) there is free consent of persons intending to be the transferor and the transferee;
- (iii) the transfer is for a fair value of immovable property proposed to be transferred;
- (iv) there is any likelihood of breach of public order due to communal tension between the communities residing in the area in which the immovable property is proposed to be transferred and accordingly,-

- (a) reject the application; or
 - (b) by an order in writing, give previous sanction to the proposed transfer of immovable property.”.
- 5. In the principal Act, in section 5A, -
 - (i) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Where a transfer of immovable property is null and void under section 4,

 - (a) the transferor who has received any consideration for such transfer, shall return the consideration to the transferee within a period of six months from date of notification under sub-section (1) of section 3;
 - (b) the transferee or any other person who has possession of immovable property on behalf of such transferee (hereinafter referred to as the ‘agent’) shall restore the property to the transferor within the said period of six months.”;
 - (ii) in sub-section (5), for the words “Where a transferor fails to take possession of such property, the property shall temporarily be in the custody of the Collector and”, the words “Where a transferor fails to take possession of such property, the Collector shall, *suo-motu* or on an application made by any person aggrieved, temporarily cause to take such property in his custody, and” shall be substituted.

Amendment of section 5A of Guj. 12 of 1991.
- 6. In the principal Act, in section 9, -
 - (i) for the words and figures “sections 4 and 5”, the words, figures and brackets “sections 4, 5 and sub-section (4) of section 16B” shall be substituted;
 - (ii) in the marginal note, for the words and figures “sections 4 and 5”, the words, figures and brackets “sections 4, 5 and sub-section (4) of section 16B” shall be substituted.

Amendment of section 9 of Guj. 12 of 1991.
- 7. In the principal Act, in section 16A, -
 - (i) for sub-section (2), the following sub-section shall be substituted, namely: -

“(2) The Monitoring and Advisory Committee shall consist of a Chairperson and such number of other official members as may be prescribed.”;
 - (ii) for sub-section (3), the following sub-section shall be substituted, namely: -

“(3) The Monitoring and Advisory Committee shall conduct or cause to be conducted studies in any area in the State to ascertain and advise the State Government from time to time, whether the public order in the said area of the State was disturbed for a substantial period by reason of riot or violence of mob or whether the said area of the State has become or is likely to become prone to disturbance of public order due to communal tension between the communities residing in the said area, which may result in involuntary displacement of persons residing in the said area.”.

Amendment of section 16A of Guj. 12 of 1991.
- 8. In the principal Act, in section 16C, for sub-section (2), the following sub-section shall be substituted, namely: -

“(2) The Special Investigation Team shall discharge the following functions, namely: -

 - (i) assist the Monitoring and Advisory Committee in gathering necessary information in regard to sub-section (3) of section 16A;
 - (ii) assist the Collector in examining the cases as may be referred before grant of sanction or otherwise under section 5;

Amendment of section 16C of Guj. 12 of 1991.

(iii) assist the State Government in forming opinion before declaration of any area to be a specified area under section 3.”.

Substitution
of words
“disturbed
area” and
“disturbed
areas” of
Guj. 12
of 1991.

9. In the principal Act except section 17, for the words “disturbed area” or “disturbed areas”, wherever they occur, the words “specified area” or “specified areas” shall be substituted, respectively.

